

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

LAWRENCE (LARRY) W. SINCLAIR)	
Plaintiff, Pro Se)	
)	Case No. 5:23-CV-00109
VS)	
)	
BRIAN MARK KRASSENSTEIN, et al)	
_____ Defendants.)	

**PLAINTIFF COMBINED MOTION FOR STAY OF COURTS AUGUST 20 2024 ORDER
(DKT 62) THIRTY (30) DAYS FOR PLAINTIFF TO FILE AMENDED COMPLAINT AND
MOTION FOR HONORABLE US DISTRICT COURT JUDGE MARINA GARCIA
MARMOLEJO TO RECUSE HERSELF**

COMES NOW Lawrence (Larry) W. Sinclair, Plaintiff, pro se, with a combined Motion for Stay of the Thirty (30) days this Court set for Plaintiff to file an Amended Complaint in the Courts Order Granting Defendants Motion to Dismiss for Failure to State a Claim (Dkt 62) dated August 20, 2024 until plaintiffs appeal to the United States Circuit Court of Appeals for the 5th Circuit has been heard and ruled upon. In addition Plaintiff makes Motion for the Honorable Judge Marina Garcia Marmolejo to recuse herself from any further proceedings in this action. As grounds therefore plaintiff states as follows:

I Motion for Stay

1. Plaintiff states that a stay as to the time in which an amended complaint is to be filed as set forth in the Courts order is proper given the Plaintiff has filed notice of appeal from said order with the US Circuit Court of Appeals for the 5th Circuit which will not be settled within the time frame the District Court has set for filing of an amended complaint.
2. Plaintiff has strong belief that his appeal may indeed result in a reversal of the Order which is being appealed.

A Stay of the deadline set by the District Court for amended complaint is proper and reasonable.

II Motion for Honorable Judge Marina Garcia Marmolejo to Recuse herself

Plaintiff want to be clear that he holds the utmost respect for the Court, its Officers, Judges, Rules and practices. Plaintiff does not make this motion for recusal lightly and spent the entire night debating as whether or not to file it. Plaintiff believes after this Court has reviewed the grounds on which he has chosen to file it the Court might find and understand why plaintiff has some very real and valid concerns as to the impartiality of this court moving forward.

1. Plaintiff did not make decision to file appeal of the District Courts order lightly and in fact only made said decision after having reviewed and read the Order multiple times when he became aware of the fact the Courts Order from the beginning to end is almost a verbatim copy of defendants Motion (Dkt 21) and the claims made therein all the way to the false claims made by defendants

claiming plaintiff ever agreed his 2008 claims received widespread or extensive media attention/coverage.

2. The Courts Order falsely repeats defendants claims set forth in their motion representing them to be the claims set forth and pled in plaintiffs complaint.
3. The Courts Order clearly by its references was not based on Plaintiffs complaint but instead was based on defendants representation of plaintiffs claims and complaint. In the Order the Court repeated defendants motion verbatim as it related to plaintiffs claim concerning “convicted Fraudster” statements of defendants. What the Courts Order did not reference was plaintiffs complaint where defendants were accused of repeatedly publishing false statements stating “he was literally convicted of fraud.” In addition to the statements calling plaintiff a convicted fraudster. Not only is the Courts Order a verbatim representation of defendants motion, the Courts finding and cited caselaw is as well.
4. The Court not only did not base its findings and ruling on plaintiffs complaint, the Court for whatever reason plaintiff is at a loss to explain, the Court took defendants claims and representations as they relate to the Polygraph exam libel, including defendants misrepresentation of Parisi v Sinclair and simply imposed it into the Courts order, ignoring the plaintiffs complaint and response to defendants motion demonstrating the video of said polygraph was filed in Parisi v Sinclair in August 2011 proving the examiner and the organizers lied about the results. The video proving plaintiff not only passed both but that plaintiff was found to be 0.01% possibility of lying.

5. Plaintiff can continue to go paragraph by paragraph demonstrating how the Courts Order dated August 20, 2024 not only does not reflect the plaintiffs complaint but instead is 100% a verbatim copy of the defendants motion claims as to what plaintiffs complaint does or does not state but plaintiff does not believe it is necessary.
6. Plaintiff does not and is not making any determinations as to why or how the Court came to issue an Order and finding it claimed to be based on the Plaintiffs complaint and the claims set forth therein by issuing an order which is almost 100% verbatim to defendants representation and claims about plaintiffs complaint but it did.
7. Plaintiff is not making any judgments and stating any opinions as to the mindset or feeling of the District Court Judge. Plaintiff is however stating that the facts in this matter at the very least gives the impression of judicial bias which even the appearance of cannot be allowed.
8. The fact the Court chose to include this ***“The Court strongly admonishes Mr. Sinclair against flooding the docket with supplemental filings and “corrected replies” without leave, as he has previously done (see e.g., Dkt. Nos. 26, 27, 32, 37, 45).”*** At the end of its Order despite plaintiff never being advised by the court of need to seek leave to correct or supplement a filing, and despite plaintiff always at the beginning explain the reason for any corrected filing, nor plaintiff being aware of any court rule requiring he seek leave to file, doesn’t make this situation appear to be an accident.

WHEREFORE based on the foregoing Plaintiff respectfully moves this Honorable Court to Stay the time frame for filing an amended complaint pending resolution of appeal, and

WHEREFORE based on the facts set forth seeking the recusal of Honorable Judge Marina Garcia Marmolejo, and demonstrating just cause for so requesting;

Plaintiff ask this Honorable Court to enter ORDER staying the time for filing amended complaint; and Order of Judge Marmolejo recusing herself from this case.

Respectfully Submitted this 21th day of August 2024 in Laredo, Texas.

Respectfully Submitted,
Lawrence W Sinclair
Lawrence (Larry) W. Sinclair
Plaintiff, Pro Se
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Laredo, Texas 78040
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CERTIFICATE OF SERVICE

I Lawrence (Larry) W. Sinclair HEREBY certify that a true and correct copy of the foregoing **Combine Motion for Stay & Recusal of Judge Marmolejo** has been furnished electronically by Courts ECF-CM system to Charles A. Bennett cbennett@bennettlegal.com Counsel for Defendants this 21th day of August, 2024.

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